

A CRITICISM  
OF  
MONTAGU-CHELMSFORD PROPOSALS  
OF  
INDIAN CONSTITUTIONAL REFORM



BY  
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Allahabad

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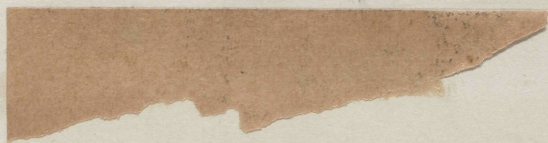
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FOREWORD.

A few days after the publication of the Montagu-Chelmsford proposals for constitutional reform, when some people of extreme views were urging their total rejection, the following from the Hon'ble Pandit Madan Mohan Malaviya was published in the *Leader*: "So far as the proposals go, they constitute a large and liberal measure of reform, which we should be grateful for. But they do not go far enough to meet the requirements of the country. Wholesale condemnation is out of the question. We have to suggest modifications and expansion giving reasons therefor."

The following note, which recently appeared in many leading Indian papers, is an elaboration of this opinion. In conformity with that opinion, the Hon'ble Pandit has suggested important modifications in and an expansion of the proposals, giving reasons for them. There has been a great demand for the Note. It is hence issued in this form.

THE PUBLISHER.

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## THE MONTAGU-CHELMSFORD

### Proposals for Indian Constitutional Reform.

THE proposals of the Secretary of State and the Viceroy relating to constitutional reform are, it is scarcely necessary to say, the result of many months of earnest discussion and careful deliberation held under circumstances which are too well-known to require recital. In the words of their authors the proposals are of "great intricacy and importance", and it is only right that they should have been published for "full and public discussion" before being considered by His Majesty's government in England. Both because of their inherent importance and of the high official position of their authors, the proposals deserve most careful consideration at the hands of all serious-minded persons who are interested in the future of this country.

2. There is much in the proposals that is liberal, and that will mean a real and beneficial change in the right direction, which we must welcome and be grateful for; but there are also grave deficiencies which must be made up before the reforms can become adequate to the requirements of the country. In the first category are the proposals, taking them in the order in which they have been placed in the summary, to place the salary of the Secretary of State on the estimates of the United Kingdom, and to appoint a Select Committee of the House of Commons for Indian affairs; to increase the Indian element in the Governor-General's Executive Council by the appointment of a second Indian Member; to replace the present Legislative Council of the Governor-General by a Legislative Assembly, which will consist of about one hundred

members of whom two-thirds will be elected ; to associate Standing Committees, two-thirds of which should be elected by the non-official members, with as many Departments of Government as possible ; and to allow supplementary questions to be put by any member of the Legislative Assembly. In the same category come many provisions relating to the Provincial Governments, for instance, the proposal that in every Province (and this will include the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces and Assam) the Executive Government should consist of a Governor and an Executive Council,—which should consist of two members, one of whom will be an Indian,—and a Minister or Ministers nominated by the Governor from the elected members of the Legislative Council ; that these Ministers should be in charge of portfolios dealing with certain subjects ; that on these subjects the decisions of the ministers should be final—subject only to the Governor's advice and control ; that though the power of control is reserved to the Governor, it is expected that he would refuse assent to the proposals of his ministers only when the consequences of acquiescence would be serious ; that it is not intended that he should be in a position to refuse assent at discretion to his minister's proposals ; that in each Province an enlarged Legislative Council with a substantial elected majority should be established ; that the members should be elected on as broad a franchise as possible ; that every member of the Council should be entitled to ask supplementary questions ; that Standing Committees, consisting mainly of members elected by the Legislative Council, should be attached to each Department ; that there should be a complete separation made between Indian and Provincial heads of revenue ; that the Provinces should make contributions of fixed amounts to the Government of India, which should be the first



charge on Provincial revenues ; that Provincial Governments should have certain powers of taxation and borrowing ; and the last, but not the least important, that the Budget should be laid before the Legislative Council, and subject to one reservation, should be altered so as to give effect to resolutions of that Council. That reservation is that if the Legislative Council should refuse to accept the Budget proposals for certain subjects, which are described as "reserved subjects", the Governor-in-Council should have power to restore the whole or any part of the original allotment, on the Governor certifying that, for reasons to be stated, such restoration is in his opinion essential either to the peace or tranquillity of the Province or any part thereof, or to the discharge of his responsibility for reserved subjects. The reservation is no doubt very wide, and it will require to be abandoned or modified. I shall deal with it later. Of the same favourable character are the proposals that complete popular control should, as far as possible, be established in local bodies ; that racial bars that still exist in regulations for appointment to the public services should be abolished ; that in addition to recruitment in England where such exists, a system of appointment to all the public services should be established in India ; and that percentages of recruitment in India with a definite rate of increase, should be fixed for all the services, though the percentage suggested for the Indian Civil Service is inadequate and will require to be increased from 33 to 50 per cent. at once. The proposals relating to the Native States also seem to be satisfactory. Taking these proposals as a whole, so far as they go, they obviously constitute a liberal advance upon the existing state of affairs for which Mr. Montagu and Lord Chelmsford are entitled to our grateful acknowledgments. But in my opinion they do not go far enough

to meet the requirements of the country. The effect of the proposals is summarised by their authors in para. 353 of their report in the following words:—

“ We begin with a great extension of local self-government so as to train the electorates in the matters which they will best understand. Simultaneously we provide a substantial measure of self-government in the Provinces and for better representation and more criticism in the Government of India and for fuller knowledge in Parliament. And we suggest machinery by means of which at regular stages the element of responsibility can be continuously enlarged and that of official control continuously diminished, in a way that will guarantee ordered progress and afford an answer to immediate representations and agitation.” This certainly means progress, but it means unduly slow progress; whereas if India is to be equipped, industrially and politically, to discharge her obligations to her own children and to the Empire in the immediate future that confronts her, it is imperatively necessary that an adequately rapid rate of progress should be ensured by the introduction of a larger measure of self-government in the Provinces and a substantial measure of it in the Government of India itself.

#### **The Congress-League Scheme.**

3. The Congress-League scheme was framed to secure what, in the present circumstances of India, the united wisdom of educated India believes to be the right measure of power to the people, acting through their representatives in the Councils, both in the Provincial and the Imperial administrations. It reserved absolute power to the Central Executive Government in all matters relating to the defence of the country, war and peace, and foreign and political relations. It also reserved sufficient power to every Executive Government to

prevent any legislation or policy being adopted which it considered injurious. It will be obvious from the list of proposals summarised above that Mr. Montagu and Lord Chelmsford have adopted many recommendations of the Congress-League scheme ; but they have discarded its vital feature, viz., the sharing by Government of power with the representatives of the people, except in so far as they have proposed to give power to the Provincial Legislative Councils in respect of such subjects as may be "transferred" to them. I think that they have done so for insufficient reasons. If they could make up their minds to recommend that power should be shared by them with the representatives of the people to the extent urged by the Congress and the Muslim League, the objections which they have urged, could be met by alterations and amendments in the scheme. For instance, all the arguments which they have put forward against the proposal that the Indian Members of the Executive Council should be elected by the elected Members of the Legislative Council, could be met by laying it down that the Governor should nominate the Indian Members out of a panel to be recommended by the elected members. The object of the Congress-League proposal clearly is that the Indian Members of the Executive Council should be men who enjoy the confidence of the public as represented by the Legislative Council. So long as this object was secured, no one would quarrel about the method which might be adopted to attain it. But it is essential that the object should be secured. In summing up their criticism of the Congress-League scheme as a whole, after describing its vital features, the distinguished authors say : " Our first observation is that in our view such a plan postulates the existence of a competent electorate, and an assembly which will be truly representative of the people." They believe that both a

sound electoral system and truly representative assemblies will be evolved in time, but they say they cannot assent to proposals which could only be justified on the assumption that such institutions would be immediately forthcoming. Here I respectfully join issue with the authors. I firmly believe that such institutions can be, and that therefore they ought to be, brought into existence now. I will show later on that this can be done.

4. In dealing with the proposals of the Congress-League scheme relating to the representation of minorities, the distinguished authors seem to complain that separate electorates are proposed in all provinces even where Mahomedans are in a majority, and that wherever they are numerically weak the proportion suggested is in excess of their numerical strength. But this rule was initiated and established by the Government in spite of the protests of non-Muslims. But it having been so established, Hindus could not expect to effect a compromise with the Mahomedans on any other basis at any rate at present. They agreed to an even larger proportion than their present representation for the same reason. The figures of the seats to be reserved for the special Muslim electorates in the various provinces were of course arrived at on no other basis than that of negotiation. But the Hindus agreed to them deliberately in order to secure the union and co-operation of Hindus and Musalmans for the common good of the people as a whole. It is quite true that a privileged position of this kind is open to the objection that if any other community hereafter makes good a claim to separate representation, it can be satisfied only by deduction from the non-Muslim seats, or else by a rateable deduction from both Muslim and non-Muslim seats. But when Hindus and Muslims did come to an agreement like the one in question, one

need not despair that, in case of a real necessity, their leaders would be able to arrive at some solution. They have learnt to recognise the truth that compromises have sometimes to be made by individuals and even by communities for furthering the common good. The authors themselves also have after weighing the whole situation, rightly, though with justifiable reluctance, assented to the maintenance of separate representation for Mahomedans for the present, although they have reserved their approval of the particular proposals set before them, until they have ascertained what their effect upon other interests, will be, and have made provision for them.

5. I will not attempt to deal just now with all the criticism which the distinguished authors have bestowed upon the Congress-League scheme. I expect that a statement will be prepared in due course on behalf of the Congress and the Muslim League in which these objections will be considered at length. Though some of these objections may not be without weight, I believe they can be fairly and fully met; and I still think that with some modifications, which I have no doubt the Congress and the Muslim League will agree to, that scheme will best meet the present requirements of the country, and constitute a satisfactory first stage of 'responsible government' in India,—responsible not in the strict technical sense in which the word has been interpreted by the authors of the proposals and is generally understood in England, but in a more restricted sense, *viz.*, that every member of the Executive Government would, before taking office, be informed under the authority of Parliament that though he does not hold office at the will of the Legislative Council, he must hereafter consider himself morally responsible to the people to administer their affairs in conformity with their wishes as expressed through their representatives in the Coun-

cils. But I recognise that the proposals which have been put forward by Mr. Montagu and Lord Chelmsford after months of discussion and deliberation, have reduced the chances of the Congress-League scheme being accepted; and I think that, in the circumstances of the case, the most practical course for us to adopt will be to press for such modifications and expansion of the proposals in question as will make them adequate and complete. If this is done, it will necessarily assimilate them in principle to the Congress-League scheme.

### **The Conditions of the Problem.**

#### **EDUCATIONAL BACKWARDNESS.**

6. In considering the imitations of the proposals put forward by Mr. Montagu and Lord Chelmsford, we have no doubt to bear in mind that they regarded the announcement of the 20th August last as laying down the terms of their reference. But it seems to me that they have put too narrow an interpretation on those terms, particularly on the question of the rate of progress towards responsible government, and in dwelling to the extent they have done on the responsibility of the British electorate and Parliament for the welfare of the people of India; also in insisting too much and too often that the British electorate could not part with that responsibility until an Indian electorate was in sight to take the burden on its shoulders. This evidently much influenced their judgment and prevented them from forming an impartial and correct estimate of the conditions of the problem which they had to solve. A perusal of the chapter headed 'Conditions of the Problem' in the report leaves a disagreeable impression on the mind that the circumstances which go against the introduction of responsible government have been given an exaggerated value, and that those that are in favour of it have been under-estimated or ignored. Attention is

prominently drawn to two dominating conditions. "One is that the immense masses of the people are poor, ignorant and helpless far beyond the standards of Europe; and the other is that there runs through Indian Society a series of cleavages—of religion, race, and caste—which constantly threaten its solidarity and of which any wise political scheme must take serious heed." The first of the statements is unfortunately quite correct; but it means a strong impeachment of the present bureaucratic system, and supplies an urgent reason for introducing a real measure of popular self-government in India. The bureaucratic system which has had complete sway in India for a century and more has not lifted the immense masses of the people from poverty, ignorance and helplessness. The educated classes of India, who are of the people and live and move with them, have made repeated appeals to those in power to allow the representatives of the people a share in the administration, so that they might co-operate with them to reduce this colossal poverty and illiteracy; but the bureaucracy and Parliament have steadily refused to part with power, and they must be held responsible for the result.

7. Great stress is laid upon the very limited extent to which education has spread among the people; also upon the fact that the total number of persons enjoying a substantial income is very small. It is noted that "in one province the total number of persons who enjoyed an income of £66, a year, derived from other sources than land, was 30,000; in another province, 20,000....." "According to one estimate, the number of landlords whose income derived from their proprietary holdings exceeds £20 a year in the United Provinces is about 126,000 out of a population of 48 millions..... It is evident that enormous masses of the population have little to spare for more than the necessities of

life." True, alas too true ! But this again furnishes a very strong reason for at least partly transferring power and responsibility from those who have had a monopoly of it for the last hundred years without using it in proper measure to promote a larger production and distribution of wealth.

8. It is then urged that the proportion of the people who take an interest in political questions is very small. After urging that the town-dwellers who take an interest in political questions, are a fraction of the people, the report says :—" On the other hand is an enormous country population, for the most part poor, ignorant, non-politically minded and unused to any system of election—immersed indeed in the struggle for existence. The rural classes have the greatest stake in the country because they contribute most to its revenues ; but they are poorly equipped for politics and do not at present wish to take part in them. Among them are a few great landlords and a larger number of yeomen farmers. They are not ill-fitted to play a part in affairs, but with few exceptions they have not yet done so." Yes, but were not the bulk of the people in every country—aye, even in England—non-politically minded until they were given an opportunity to exercise political power—until the franchise was extended to them ? and is there a better means of getting the people to take an interest in politics than giving them such power ?

9. As regards education as a basis for franchise, Indians would certainly desire that in any scheme of election that may be introduced, the possession of a recognised degree of education should entitle a person to a vote without any other qualification. But I cannot help feeling that the argument based on the lack of education among the people, has been unduly pressed against the cause of Indian constitutional reform. We know that in Austria, Germany, and France which



have adopted the principle of "manhood or universal suffrage", a common qualification is that the elector should be able to read and write. So also in Italy, the United States, etc. But except in the case of eight universities, the franchise has never been based in the United Kingdom on any educational qualification. It is the possession of freehold or leasehold property of a certain value or the occupation of premises of a certain annual value that gives a vote there, and it is said that this is the most universal qualification in all countries where a system of popular election has been introduced. Mr. Disraeli made an attempt in his abortive Reform Bill of 1867 to introduce an educational franchise in England. Hansard records that it was met by ridicule, because it proposed a very low educational franchise,—so backward was education in England at the time. Mr. Gladstone's Reform Bill of 1868, based the franchise, like its predecessor of 1832, on property qualifications. It was after the franchise had been so extended to the workmen, that Englishmen began to say that 'we must educate our masters', and the Elementary Education Act was passed in 1870, making elementary education universal and compulsory. The Duke of Newcastle's Commission of 1861 stated in their report that the estimated number of day scholars in England and Wales in 1833 was one in 11¼. Speaking in 1868, Mr. Bruce stated that they had then arrived at the rate of one in seven or eight. In introducing the Elementary Education Bill (1870) Mr. Forster described the situation as showing "much imperfect education and much absolute ignorance," "ignorance which we are all aware is pregnant with crime and misery, with misfortune to individuals and danger to the community." So we are not much worse off than England was in 1867-70. Nor are we worse off than was Canada when on Lord Durham's recommendation, Parliament

established responsible Government there. "It is impossible", said Lord Durham in his memorable report which led to the change, "to exaggerate the want of education among the inhabitants. No means of instruction have ever been provided for them, and they are almost and universally destitute of the qualifications even of reading and writing." Let us have a reform bill based on the principles of that of 1868, or a substantial measure of responsible Government, and one of the first things, if not *the* first thing we should do is to pass an Education Act which will remove the stigma of illiteracy from our land and steadily raise the percentage of scholars at our schools, until in a decade or so, it will equal the standard which has been reached in other civilised countries.

10. Having dealt at such length with the argument based on the want of education among the people, I think it my duty to add that though the Government have not yet secured them the benefit of education, nature has been much less unkind to them. They have been endowed with a fair measure of common sense, and not only in their caste panchayats and conferences but generally in all matters which concern them, the bulk of the people well understand their interests and come to fairly correct conclusions regarding them. The number of such conferences is steadily growing. Only in February last, the tenants of the United Provinces held a Conference of their own during the Magh Mela at Allahabad, when they discussed and adopted a representation to Mr. Montagu and the Viceroy, urging what they wanted to be done to protect and promote their interests. They did me the honour of inviting me to address a few words to them; and it gave me genuine pleasure to see how well they understood and appreciated every point that affected their interests. I claim that, allowing for the difference

due to the possession or the want of education, our small proprietors, yeomen farmers, and the bulk of our tenants will compare not unfavourably with corresponding classes in other countries in the possession of natural intelligence. And finally, having regard to the response which they have made, and are still making to the appeal to subscribe to the war loan and to risk their lives in the defence of the Empire, it is wrong and unkind to suggest that they are hopelessly deficient in the capacity to judge whom they should elect as their *punch, mukhtar* or representative in the Legislative Councils. Twelve months of whole-hearted effort by officials and non-officials, to educate and organize them, similar to that which has been made for raising the war loan and recruits from the people, will go far to prepare them for the proper exercise of any franchise which may be conferred upon them.

11. In discussing the question of electorates, it should also be remembered that though it is in every way desirable to make the franchise as broad as possible, it cannot in reason be regarded as a very serious objection that, comparatively speaking, our electorates may not in the first instance, be as large as in countries where the elective system has been in vogue for a long time. A reference to the gradual extension of the franchise in England may not be amiss here. We know that up to the year 1832 the majority of the House of Commons was elected by less than fifteen thousand persons. In Scotland, where the population at that time was about 2,360,000, there were only about 3,000 electors. As Mr. Gladstone stated in 1884, the Reform Bill of 1832, which was described as "the Magna Charta of British Liberties", added about 500,000 to the entire constituency of the three countries. After 1832 the next Reform came in 1886. At that time the total constituency of the United Kingdom reached

1,364,000, and by the bills which were passed in 1867-69 the number was raised to 2,448,000. By 1884, the constituency had reached in round numbers 3,000,000. The Act of 1885 added about 2,000,000 to the number, *i. e.*, nearly twice as much as was added since 1867 and more than four times as much as was added in 1832. This brief history contains both guidance and encouragement for us. With a fairly liberal franchise, we are in a position to start with electorates the dimensions of which will be regarded by every reasonable man as satisfactory, when all the circumstances of the case are borne in mind.

### Religious Differences.

12. As regards the second "dominating condition," it is true that Indian Society is composed of vast numbers of people who belong to different religions, races, and castes. But it seems to me an exaggeration to say that this circumstance "constantly threatens its solidarity." The people of India are more law-abiding than perhaps those of any other country in the world. Differences of religion, race and caste do not stand in the way of their generally living and working together as good neighbours and friends, or of their combining for promoting common purposes. The occasional outbursts of religious feeling—which no one can deplore more than we Indians do—are due to ignorance which the bureaucracy has failed to remove, and to the defects of a foreign system of administration which can only be mitigated by power being substantially shared with the representatives of the people. Mr. Montagu and Lord Chelmsford say that "the difficulty that outweighs all others is the existence of religious differences." With due deference to them, I venture to say that they have taken much too exaggerated a view of this difficulty. They refer appreciatingly to the agreement reached at

Lucknow in December 1916, between Muslims and Hindus ; but they ask 'what sure guarantee it affords that religious dissensions between the great communities are over.' It should be obvious that this guarantee cannot spring from the agreement in question itself, but from the accomplishment of the object it was intended to achieve, *viz.*, the attainment of self-government. If this was done, power and responsibility would be transferred in fair measure to educated Hindus and Mahomedans, so that they would be in a position to promote patriotism and public spirit, education and industrial and commercial enterprise among their countrymen, which will usher an era of greater co-operation, prosperity and good-will, and thus make religious riots a matter of past history. Mr. Montagu and Lord Chelmsford 'cannot regard the *concordat* (of Lucknow) as conclusive.' They say : "To our minds so long as the two communities entertain anything like their present views as to the separateness of their interests, we are bound to regard religious hostilities as still a very serious possibility...How quickly and violently the ignorant portion, which is far the largest portion of either great community, responds to the cry of 'religion in danger' has been proved again and again in India's history. The record of last year bears recent witness to it." As I have said before, no one can deplore and condemn religious riots more than we Indians do. But the distinguished authors are mistaken in thinking that there is any connection between occasional outbursts of "religious hostilities" and what they describe as "the present views of the two communities as to the separateness of their interests." The proneness of the ignorant portion of either community to respond to the cry of "religion in danger" is due not to religious differences, which are present year in and year out, but to ignorance ; and if this ignorance were removed,

religious differences would cease to divide and to lead to riots. The distinguished authors are well aware that such regrettable distempers of ignorance have not been unknown even in England. I cannot do better than quote here from a speech of Macaulay delivered in the House of Commons on the 19th of April, 1847. Speaking in support of the Government Plan of Education, and referring to the No Popery riots of 1780, Macaulay said :—

“ The education of the poor, he (Adam Smith) says, is a matter which deeply concerns the common-wealth. Just as the Magistrate ought to interfere for the purpose of preventing the leprosy from spreading among the people, he ought to interfere for the purpose of stopping the progress of the moral distempers which are inseparable from ignorance. Nor can this duty be neglected without danger to the public peace. If you leave the multitude uninstructed, there is serious risk that religious animosities may produce the most dreadful disorder. The most dreadful disorders ! Those are Adam Smith’s own words ; and prophetic words they were. Scarcely had he given this warning to our rulers when his prediction was fulfilled in a manner never to be forgotten. I speak of the No Popery riots of 1780. I do not know that I could find in all history a stronger proof of the proposition that the ignorance of the common people makes the property, the limbs, the lives of all classes insecure. Without the shadow of a grievance, at the summons of a madman, a hundred thousand people rise in insurrection. During a whole week, there is anarchy in the greatest and wealthiest of European cities. The Parliament is besieged. Your predecessor sits trembling in his chair, and expects every moment to see the door beaten in by the ruffians whose roar he hears all round the house. The peers are pulled out of their coaches. The bishops

in their lawn are forced to fly over the tiles. The chapels of foreign ambassadors, buildings made sacred by the law of nations, are destroyed. The house of the Chief Justice is demolished. The little children of the Prime Minister are taken out of their beds and laid in their night clothes on the table of the Horse Guards, the only safe asylum from the fury of the rabble. The prisons are opened. Highwaymen, house breakers, murderers, come forth to swell the mob by which they have been set free. Thirty-six fires are blazing at once in London. Then comes the retribution. Count up all the wretches who were shot, who were hanged, who were crushed, who drank themselves to death at the rivers of gin which ran down Holborn Hill ; and you will find that battles have been lost and won with a smaller sacrifice of life. And what was the cause of this calamity, a calamity which, in the history of London, ranks with the great plague and the great fire? The cause was the ignorance of a population which had been suffered, in the neighbourhood of palaces, theatres, temples, to grow up as rude and stupid as any tribe of tattooed cannibals in New Zealand, I might say as any drove of beasts in Smithfield market.

“The instance is striking, but it is not solitary. To the same cause are to be ascribed the riots of Nottingham, the sack of Bristol, all the outrages of Ludd, and Swing, and Rebecca, beautiful and costly machinery broken to pieces in Yorkshire, barns and hay stalks blazing in Kent, fences and buildings pulled down in Wales. Could such things have been done in a country in which the mind of the labourer had been opened by education, in which he had been taught to find pleasure in the exercise of his intellect, taught to revere his Maker, taught to respect legitimate authority, and taught at the same time to seek the redress of real wrongs by peaceful and constitutional means?”

13. It seems to me that not only did the learned authors fail to trace the riots to their true cause, but that they did not also take it into account that there are unfortunately some among European officials in India who feel a satisfaction in seeing religious differences at work, not only between Hindus and Mahomedans, but even between the two sects of Mahomedans,—men who evidently think with Sir John Strachey “that the existence side by side of these hostile creeds is one of the strong points in our political position in India.” The painful story of the Comilla and Jamalpur riots need not be repeated here, but the mind irresistably goes to it in a discussion like this. It is important to note in this connection that Hindu-Mahomedan riots seldom take place in Indian States. Not only this, but even in British India, districts which have been placed in charge of Hindu or Musalman Magistrates or Superintendents of Police, have passed peacefully through periods of stress and anxiety, while there were disturbances in several of those which were in charge of European officers.

14. Here again it ought not to be forgotten that India is not the only country which has known the trouble of religious differences among her sons. England herself has not been a stranger to it. Her history contains a sad record of the evils which she experienced owing to bitter differences between Protestants and Catholics. The long-lasting persecution to which the latter were subjected by the former, particularly in Ireland, is a matter of not very remote history,—“when the House of Lords, the House of Commons, the Magistracy, all corporate offices in towns, all ranks in the army, the bench, the bar, the whole administration of government or justice, were closed against Catholics; when the very right of voting for their representatives in Parliament was denied them;” when “in all social and political



matters, the Catholics, in other words the immense majority of the people of Ireland, were simply hewers of wood and drawers of water to their Protestant masters." The Catholic Emancipation Bill which admitted Roman Catholics to Parliament, and to all but a few of the highest posts, civil or military, in the service of the Crown, was passed only in 1829; the Bill for the disestablishment of the church in Ireland, only in 1869! But it speaks volumes for the growth of religious toleration among the Protestants of England of the period, that the Catholic Emancipation Bill was passed by a Parliament which did not contain a single Catholic as a member. This is a happy illustration of the liberalising effect which representative institutions produce upon the people of the country where they are established. But this is a digression. I thank God that except in limited periods and areas, the relations between Hindus and Musalmans in India have generally been far happier than those that subsisted so long between Protestants and Catholics in Great Britain and Ireland. For centuries they have lived together, all over this wide country, as good neighbours, trusting each other, co-operating with each other, and having close and intimate social and business relations with each other. The regrettable outbursts of religious animosities have been occasional and fleeting and remediable, and have been confined to a few places in the country. Last year in some of these places, the blame for the origin and spread of the trouble that arose, was openly ascribed by the people to the officials. In Delhi, the Capital of the Empire, Hindus refused to celebrate the *Ramalila* not owing to any misunderstanding between themselves and the Mahomedans, but with the local authorities. It was owing to official obstinacy and callousness that the whole of Hindu Delhi kept its large business suspended for

eleven days and suffered serious loss and hardship over it. But notwithstanding this, the relations between Hindus and Mahomedans remained undisturbed. In the country as a whole, the attitude of the officials and the people left no room for complaint. In not a few places, notably Lahore, Hindus and Mahomedans co-operated with each other, with cordial good will, to see their two celebrations pass off in peace and harmony.

15. Before I leave this subject, I should like to say further, that the difficulty arising out of our religious differences, such as they are, is much less serious than was that which arose out of the enmity which prevailed between the French and the English in the two provinces of Canada in 1837, when Sir James Craigh wrote that "the line of distinction between us is completely drawn; friendship, cordiality are not to be found; even common intercourse scarcely exists,"—and when Lord Durham said, in his memorable report in which he recommended the establishment of responsible Government in Canada,—“I found two nations warring in the bosom of a single state. I found a struggle not of principles but of races.” It is encouraging to note that the existence of this deep-seated and widespread animosity between the two large sections of the people was not held to be a bar to the introduction of responsible government there, but rather a strong reason for and an effective remedy against it. Subsequent events have fully vindicated the wisdom of that decision. The fact lends strong support to the view that the introduction of a system of self-government in which power and responsibility must be vested in an increasing measure in the leaders of the communities, will prove the most effective means of preventing religious differences from leading to undesirable results.

## The Interests of the Masses.

### THE BUREAUCRACY AND EDUCATED INDIA.

16. A strong claim is made in the report that the official has hitherto been the best friend of the ryot, and that he must therefore retain power to protect him "until it is clear that his interests can safely be left in his own hands or that the Legislative Councils represent and consider his interests. So with the depressed classes." No one would quarrel with the desire of the official to take every reasonable precaution to protect the interests of the ryot and of the depressed classes. But the claim that the bureaucracy has hitherto been the best friend of these classes can only be conceded in a limited sense and requires to be examined. This has become all the more necessary in view of the fact that it is stated in the report that "the prospects of advance very greatly depend upon how far the educated Indian is in sympathy with and capable of fairly representing the illiterate masses." We have also been reminded that it is urged that "the politically-minded classes stand somewhat apart from and in advance of the ordinary life of the country." The distinguished authors of the proposals have addressed a very kindly appeal to the educated classes that "if they resent the suggestion that has been made that they have hitherto safe-guarded their own position and shown insufficient interest in the peasant and labouring population, now is the opportunity for them to acquit themselves of such an imputation and to come forward as leaders of the people as a whole." Several of the proposals for reserving power to the bureaucracy and not extending it to the educated Indian, until the peasant and the labourer has learnt the lesson of self-protection, seem to be based on the idea that the former is their better friend. It has become necessary therefore to go briefly into this question.

17. In the early days of British rule, the official did a great deal for the people in establishing peace and order, in promoting protection of life and property, in providing the country with a set of codes of great value, in organising the administration of justice,—civil and criminal,—and the police and the revenue departments,—in promoting irrigation, in improving the existing means of communications and creating new ones—roads, railways, posts and telegraphs—in establishing schools and hospitals to the extent he did, and so on. He secured to a large body of the occupiers of the soil the right to retain their holdings,—bringing the law in this respect in consonance with the ancient custom of the country,—so long as they paid the rent, and protected them against eviction and enhancement of rent except in accordance with law. For this and more all honour and gratitude to him. But I ask every good man and true in the bureaucracy—and their number is not small—to say whether in his opinion the system which he represents has done enough to advance the welfare of the ryot, the labourer and the general mass of the people? The report before me bears witness that it has not. The report of the Commission which was appointed after the great famine of 1877-78 drew attention to the fact that the mass of the people were miserably poor, and that no remedy against the evils to which they were exposed in times of famine, would be complete until a diversity of occupations was provided for them by the encouragement of industrial pursuits. And yet little worth speaking of has been done in this direction up to this day. The mass of the people are still steeped in poverty. They are also steeped in ignorance. The Education Commission of 1884 recommended the extension of universal elementary education. But we know to our grief, how, after the lapse of thirty-three

years, we stand in regard to it. So far as the depressed classes are concerned it is particularly a question of education. If the blessings of education had been secured to them, their position would have immensely improved. But this has not been done. Public health stands low, as is evidenced by the high rate of mortality. The needs of the population in respect of sanitation and medical relief have been poorly met. Technical education has not been promoted,—industries not encouraged. Indians have not been admitted in fair numbers into the higher ranks of the public services—civil and military;—public expenditure has not been reduced, but has on the contrary been raised to an enormous extent. During all this time power has remained absolutely in the hands of the bureaucracy. It has found money for everything it thought it fit to provide for, but it has again and again pleaded want of funds for promoting services bearing directly on the people's welfare.

18. Let us now see what the educated Indians have been doing during this identical period. From 1885 they have been meeting regularly every year in Congress at great personal sacrifice and earnestly pressing upon the bureaucracy measure after measure calculated to improve the lot of the rural population and the general mass of the people. A glance at the resolutions passed by the Congress during thirty-three years affords unquestionable evidence of the attitude of the educated Indian towards the mass of his countrymen. In 1886, the Congress stated that it "regards with the deepest sympathy, and views with grave apprehension, the increasing poverty of vast numbers of the population of India", and urged the introduction of representative institutions" as one of the most important practical steps towards the amelioration of the condition of the people." In 1887, it urged "that having regard

to the poverty of the people, it is desirable that the Government be moved to elaborate a system of technical education, suitable to the condition of the country and to encourage indigenous manufactures." In 1888, it urged that it was the first duty of the British Government in India "to foster and encourage education, general as well as technical, in all its branches", again emphasised the importance, in view of the poverty of the people, of encouraging indigenous manufactures, and advocated the appointment of a Commission to enquire into the industrial condition of the country. In 1891, in reply to a telegram from General Booth, it said that the sad condition of fifty to sixty millions of half-starving paupers, constituted the primary *raison d'être* of its existence. It again and again pressed the view upon the Government that "India can never be well or justly governed, nor her people prosperous or contented, until they are allowed, through their elected representatives, a potential voice in the legislatures of their country", and urged a series of measures of retrenchment and improvement with the view of improving the unhappy condition of affairs. For years it urged the reduction of the salt tax and the raising of the taxable minimum for the income-tax from Rs. 500 to Rs. 1,000 before these measures were adopted by the Government. It has ceaselessly advocated the adoption of an improved excise policy and the introduction of a simple system of local option in the case of all villages, to keep temptation away from the door of the poor. Its advocacy of an improvement in the administration of the Forest laws and for the abolition of the evil system of forced labour and supplies (*begar* and *rasad*), also its strong agitation against the system of indentured labour and for the proper treatment of Indians in the colonies, have all been in the interests of the same classes. In the interests of agricultural development,

it has urged that the Government should impose a limit upon its land revenue demand and that it should secure fixity of tenure, wherever it does not exist, to the tenant in the land he tills. It advocated the starting of Agricultural Banks and the adoption of measures for the improvement and development of agriculture as it has been developed in other countries and the establishment of a larger number of experimental and demonstration farms all over the country. It has again and again reiterated "that fully fifty millions of the population, a number yearly increasing, are dragging out a miserable existence on the verge of starvation, and that in every decade several millions actually perish by starvation", and has "humbly urged that immediate steps should be taken to remedy this calamitous state of affairs." When the famine of 1896 occurred, the Congress again drew pointed attention to the great poverty of the people and again insisted that the true remedy against the evils of the recurrence of famine lay in the adoption of a policy, which would enforce economy, husband the resources of the State, foster the development of indigenious and local arts and industries, which have practically been extinguished, and help forward the introduction of modern arts and industries."

19. It is unnecessary to prolong this list, and to refer to other resolutions of the Congress of a similar character. I hope this is enough to show how earnestly and pathetically the educated Indian has been pleading for the lifetime of a generation for the adoption of measures having the one aim of ameliorating the lot of his poorer countrymen. The proceedings of Provincial and even communal Conferences and of the Imperial and Provincial Legislative Councils bear similar testimony, but it is unnecessary to refer to them in detail. I think the educated Indian can safely claim that he has proved that he is at least as much in sympathy with and cap-

able of representing the illiterate masses as our friend the official.

### A Contrast—Progress in Japan.

20. It is regrettable to have to note that the British electorate and its responsible agent, the bureaucracy, which has held absolute power during the period in question has responded but little to the representations of the educated Indian. In the same period the Japanese, who were in not half so good a position as India so far as material resources and administrative organization were concerned, have achieved enormous progress; they have made education universal in their country, given technical and scientific education to their youth to fit them to play their part successfully in every branch—civil, military and naval—of the activity of a civilized country, developed their industries,—built up their manufactures, promoted national banking and credit,—enhanced the prosperity and strength of their people, and raised their country to the position of a first class world-power whose manufactures are pouring into Europe and India, whose steamers are carrying on its own export and import trade, and whose friendship has been of incalculable value to the British Government in the present crisis. Educated Indians feel that if the British electorate and Parliament had agreed to admit them to a share of power as they asked for in 1886, they too would have been able to achieve a considerable degree of similar progress in their country, and they are naturally anxious that that power should not be withheld any longer from them. The failure of the bureaucracy to do much of what it should have done to build up the national strength and prosperity of the Indian people during the last thirty-three years, in spite of the repeated representations of educated Indians,



has created a widespread conviction among them that the healthy progress of the country will not be ensured unless power is given to them to promote it. This was a factor in the problem even in 1914. The events of the last four years have intensified its importance and added a new element to the situation.

### The Effects of the War.

21. Before the war Indians based their claim to a share in the Government of their country on natural right and justice, which was supported by the pledges of the British Sovereign and Parliament. That claim has received additional strength by the part which India has played in the war. India will ever be grateful to Lord Hardinge for having sent her Expeditionary Force to help England and France in the great fight for liberty, right and justice, and she is naturally proud of all the help which her Princes and people have given to the British Empire in the hour of her great need. It has been acknowledged that but for the timely and powerful help of the Indian contingent the fortunes of the war would have been very adversely affected in France towards the end of 1914. It is also indisputable that but for India's splendid rally, British prestige would have suffered irretrievably in the East. In view of this achievement of which any nation may be proud, Indians ask what reason is there for England not permitting them even partly to manage their domestic affairs now as Canada and Australia and the other self-governing British Colonies do. Mr. Montagu and Lord Chelmsford have taken full note of the effects of the war on India. They have observed :—"The war has given to India a new sense of self-esteem." She has in the words of Sir Satyendra Sinha, "a feeling of profound pride that she has not fallen behind other portions of the British Empire but has stood shoulder

to shoulder with them in the hour of their sorest trial." She feels that she has been tried and not found wanting, that thereby her status has been raised, and that it is only her due that her higher status should be recognized by Great Britain and the world at large." They have further noted that "the war has come to be regarded more and more clearly as a struggle between liberty and despotism, a struggle for the right of small nations and for the right of all people to rule their own destinies," that "attention is repeatedly called to the fact that in Europe Britain is fighting on the side of liberty, and it is urged that Britain cannot deny to the people of India that for which she is herself fighting in Europe and in the fight for which she has been helped by India's blood and treasure...The speeches of English and American statesmen, proclaiming the necessity for destroying German militarism, and for conceding the right of self-determination to the nations have had much effect upon political opinion in India and have contributed to give new force and vitality to the demand for self-government, which was making itself more and more widely heard among the progressive section of the people." This clear and correct statement, for which Mr. Montagu and Lord Chelmsford are entitled to our thanks, should have led one to expect that they would recommend the introduction of a substantial measure of responsible government in India, which would mark a clear recognition of her higher status as also of the principle of self-determination. But their proposals fall far short of that. It is surprising that after taking a full survey of the situation, they could come to the conclusion that at this period of the day Indians would be satisfied with proposals of reform which will not give them a real and potential voice in the administration of their country's affairs, in the Central as well as in the Provincial Governments.

### The Interests of Foreign Missionaries, Merchants and Public Servants.

22. Mr. Montagu and Lord Chelmsford have persuaded themselves that Indians are not yet fit for such a measure. But they cannot persuade Indians to agree with them. I have already dealt with the principal grounds upon which they have based their conclusions. I have given sufficient reasons for the belief that the interests of the ryot will not suffer at the hands of educated Indians. I have shown that neither educational backwardness nor differences of religion, race and caste stand in the way of reform. I am bound to add that Indians will resent the further suggestion that if power were transferred to them, the interests of missionaries, foreign merchants, and of foreigners in the service of India would suffer. Educated Indians have not shown any hostility towards missionaries. On the contrary they have pulled very well with many of them. But the anxiety of Mr. Montagu and Lord Chelmsford to place the interests of persons who professedly come to this country to convert its people from the faith of their ancestors, in the scale against the demands of the country for advance in the direction of self-government, so vital to national life and growth, will supply to unprejudiced minds a new argument in favour of home rule. It is equally unjust to the people of this country to suggest that if they got power they might use it to the injury of foreign merchants and public servants. Have not the relations of the foreign merchants with Indians at all important centres of industry, been uniformly of good will and fair dealing? What reason is there then to be found in fact to justify the apprehension that if Indians got power they would indulge in any "prejudiced attack" on, or allow any "privileged competition" against, any existing industry? that they will be so foolish as to jeopard-

dise their country's enormous trade—import and export—by giving any just cause for complaint to the foreign merchant, whom they cannot replace for a long time? that they will not have the sense to recognise that the maintenance and improvement of that trade demands nothing more urgently than that no foreigner should have a suspicion of any but fair and honourable treatment at their hands? As regards the public servant, what reason again is there to doubt that he may not be supported in the legitimate exercise of his functions, or that "the rights and privileges guaranteed or implied in the conditions of his employment" may be tampered with by the Government if Indians got a share in it? Is there any reasonable ground for apprehending that Indians, representing the best elements of Indian society, will ever think of attempting to break covenants which have been solemnly made on their behalf? Will that be the way in which they would expect to attract the foreign expert and technically trained man whom it will be necessary in their own interests to invite to help them for many a year to come? Clearly these apprehensions are not justified.

### **Some Important Conditions Insufficiently Appreciated.**

23. I fear that in dealing with the questions noted above as well as with many others, one all important condition of the problem has not received sufficient consideration. It is this that even if the full measure of self-government which we Indians have asked for is conceded, the existing system of administration will not be torn up by the roots. The Executive Government will continue to be predominantly European. It will still have the decisive voice in all matters of administration. The entire edifice of administration which has been built up in a hundred years will remain unshaken. The administration of justice will continue to

remain under the High Courts. The existing body of laws will remain in force. Even if a new legislature should want to alter or repeal an Act, it will not be in its power to do so until the head of the Government should give his consent to the measure by which it may be sought to do it. The services will continue to be manned by the present incumbents, and, even, if fifty per cent. of the higher appointments should be filled up in India in the future, it will be long, very long, before the services will be half-Indianised. These facts contain in themselves a guarantee, which cannot fail, that the new order of things which may be ushered will not lead to any catastrophe to any existing interests. And they ought to inspire courage and confidence in Englishmen in dealing with the question of the introduction of a real measure of self-government in India.

#### **Need for making India self-supporting.**

24. There is another vital condition, newly come into existence which demands serious consideration. The war has forcibly drawn attention to the dangers to which India is exposed, in its present condition, both industrially and politically. It is a matter of supreme thankfulness that we have got on so far as we have done. Let us hope and pray that we shall get to the end of the chapter with equal good luck. Let us also hope that this devastating war will soon end, and that the peace which will follow will endure for a long time. But it will not be the part of wisdom and statesmanship to build entirely upon such a hope. It will be safer to think that it may be falsified and that there may be another war within ten years or so, and to be prepared for it. But how to be prepared for it? That is the question. The learned authors say that "the war has thrown strong light on the military importance of economic development. We know

that the possibility of sea communications being temporarily interrupted forces us to rely on India as an ordnance base for protective operations in the Eastern theatres of war." This is true, but the experience of the war has shown more than this. It has shown that not only should India become self-supporting in the matter of forging weapons of defence and offence, but that India's sons should be trained to use those weapons in larger numbers and in better ways than heretofore. Mr. Montagu and Lord Chelmsford have noted the importance of this question, but they have naturally left it for consideration hereafter with the note that "it must be faced and settled." It is devoutly to be hoped that it will be settled soon and rightly, that both in the interest of India and of England, English statesmen will realise that India's safety in the future will depend, to a much greater extent than in the past, upon her own sons being as well trained and equipped to fight as are the sons of the countries that surround her—of Afghanistan, of Persia, of Turkey—and of Japan. This demands that England should make up her mind to treat India now not as a trusty dependant but as a trusted partner, and to admit her sons on a footing of perfect equality with Englishmen to all branches and grades of the military service, on land, on the sea and in the air. Both justice and expediency demand that Indians should be treated by Englishmen as comrades in arms in the full sense of the expression, and that they should be trained as Englishmen are trained for all branches of the service, superior as well as inferior. But the very grudging manner in which, after nearly half a century of agitation and after four years of this dreadful war, the question of throwing the King's Commissions open to Indians has been dealt with, makes me despair of the claims of Indians to be fitted for the

defence of their country, being justly dealt with until a substantial measure of political power is enjoyed by Indians. Political status depends upon political power. Mr. Montagu and Lord Chelmsford said in their report that the importance of the question of British Commissions outweighs in the eyes of India all others. They recommended that a considerable number of Commissions should now be thrown open to Indians. There were 2,689 officers of the British Army serving in India in 1914-15, and 2,771 of the Indian Army, or 5,560 in all. It is estimated that for the new army of half a million about fifteen thousand officers will be required. But the Government of India have decided, with the approval of the Right Hon'ble the Secretary of State for India, to nominate *only ten* Indian gentlemen annually *during the war* for Cadetships at the Royal Military College at Sandhurst, and to offer *a certain number* of temporary King's Commissions in the Indian army to selected candidates nominated partly from civil life and partly from the army. No number has been fixed for Commissions which are to be granted under any of the headings (1) (2) or (3). Indians had hoped that this question of Commissions will be dealt with in a broader spirit. They naturally think that adequate justice has not been done to their claims, and they feel keenly disappointed. But this attitude towards Indians will persist until Indians come to exercise power in the administration of their country.

#### Fiscal Autonomy.

25. There is yet another condition of the problem of outstanding importance which demands attention, and that is the question of fiscal autonomy. Mr. Montagu and Lord Chelmsford have noted the weakness of India's economic position and also the keenness of the desire of Indians to improve it. They have recognised

that economic, political and military considerations all equally demand the industrial development of India. They truly say that they "cannot measure the access of strength which an industrialised India would bring to the power of the Empire." They observe that "after the war the need for industrial development will be all the greater unless India is to become a mere dumping-ground for the manufactures of foreign nations which will then be competing for the markets on which their political strength so perceptibly depends." They note that the question of the Indian tariff is connected intimately with the matter of industries. We are grateful to them for having put forward the views of educated Indians on this important subject. They have pointed out that "educated Indian opinion ardently desires a tariff,"...that "there is a real and keen desire for fiscal autonomy," that the educated Indian believes that as long as Englishmen will continue to decide the question of the tariff for him, they will decide in the interests of England and not according to his wishes, as is shown by the debate on the Cotton Excise duty in the House of Commons. They have assumed with satisfaction that when the fiscal relations of all parts of the Empire and the rest of the world come to be considered by an Imperial Conference, "India will be adequately represented there." But how? By the nomination of an Indian by the Viceroy, as in the last two years? It is well-known that Indian public opinion is not satisfied with such nomination. And apart from that, whose views is such a nominee to represent at the Conference, the Viceroy's or those of the Governor-General-in-Council or his own? If of the former, it will be a misuse of language to say that the people of India are represented at the Conference. If the latter, will the Government of India be willing to be bound in such an important matter as the question of



tariffs by the independent opinion of their own nominee, selected without the support of the Indian Legislative Council? The position will be quite anomalous. If the representation of India is to be a reality, the only course which should be followed is to ask the Indian members of the Imperial Legislative Council (or of the Imperial and Provincial Legislative Councils) to recommend a person for nomination by the Government of India as India's representative at the Conference. Such a representative will of course ascertain and voice the considered opinion of those to whom he will owe his appointment, to whom he will hold himself primarily responsible; and the Government of India must be prepared to accept such opinion as its own, or the idea of having India represented at the Conference must be abandoned, and the experiment tried of subjecting her people to a policy laid down by representatives of the United Kingdom and the Dominions without consulting Indians. In view of the practice established during the last two years, it may be safely assumed that such a proposal will not be entertained for a moment. Power, then, must be given to the representatives of the people in the Central Government of India to direct the policy of the Indian Government in this matter, and the proposals of Mr. Montagu and Lord Chelmsford must be expanded in this direction. As the proposals stand, they will not give any such power. As the authors themselves have observed: "The changes which we propose in the Government of India will still leave the settlement of India's tariff in the hands of a government amenable to Parliament and the Secretary of State." This means that the policy of the Government of India will continue to be the policy of His Majesty's Government. For all the reasons which they have given, and which I have added, this will be wholly unsatisfactory. The development of Indian industries is a matter of

vital national importance to India. It will largely depend upon the Government of India having the power and the will to impose such tariffs as may be considered to be necessary either for revenue or for the protection of her industries from powerful foreign competition. But what will the Government of India stand for in this all important matter if it is not to express and carry out the will of the people of India, speaking through their elected representatives in the Legislative Council? The Government of India responsible to Parliament and to the Secretary of State can only go so far as it is permitted by them and no farther. It is only a Government of India responsible to the people of India that can be expected to adopt the policy which their interests demand. In a matter of such vital concern to the people, where the disadvantages, temporary though they may be, of a policy of tariffs, will have to be borne by the people, the Government cannot speak with even moral force unless it speaks in conformity with their ascertained wishes and opinions. If the view presented above is correct, then it follows that if the industrial development of India is to have a fair future, fiscal autonomy must be granted to India, and that if it is, power must be given to the representatives of the people in the Central Government to lay down the policy which the Executive is to carry out.

26. I have discussed the conditions of the problem at some length because it is obvious that the recommendations which Mr. Montagu and Lord Chelmsford have made, have been determined and limited by the view they have taken of those conditions. They themselves have said : " The considerations of which we took note in Chapter VI forbid us immediately to hand over complete responsibility." It is therefore that they decided to proceed by transferring responsibility for certain

functions of Government while reserving control over others" I hope I have shown that they have taken an exaggerated view of the difficulties of the problem, and have under-estimated the value of the conditions which call for or favour the introduction of a substantial measure of responsible government. I have also shown that they have not given due weight to the conditions created by the war—the part which India has played in the war, and the needs of her situation in the immediate future as disclosed by the war. If in the light of these considerations their view of the conditions of the problem requires to be revised, it follows that the proposals which they have made must needs undergo large modifications and expansion. It is evident that the terms of the announcement of the 20th August last also imposed a severe constraint upon them. They seem to have convinced themselves early of the wisdom of the policy of that announcement, as they interpreted it, and then unconsciously to have given special weight to points which supported that policy. The distinguished authors appear to have been partly conscious of this. For after emphasizing the difficulties of the problem, they proceed to justify their doing so. They say: "Why have we tried to describe the complexities of the task before us, and in particular why have we laid stress upon the existence of silent depths through which the cry of the press and the platform never rings? In the first place of course we wish to insist on the importance of these factors in considering the time necessary for the complete attainment of responsible government in a country in which in spite of rapid processes of growth, so great a majority of the people do not ask for it and are not yet fitted for it. But our chief purpose is more important than this. We desired to test the wisdom of the announcement of August 20th. If we have conceded all that can fairly be said as to the difficulties of the

task before us, then the policy which has been laid down can be judged in the light of all the facts....We believe that the announcement of August 20 was right and wise, and that the policy which it embodies is the only possible policy for India." If, as I have endeavoured to show, the facts have not been correctly appreciated, the conclusions deduced from them cannot be right. We have no quarrel with the policy of the announcement so far as it lays down that complete responsible government should be established in India not at one bound but by stages. But I do not agree with the view that it necessarily demands that those stages shall be many and that they shall be reached in a long period of time. If that were the correct interpretation of the policy of the announcement, and if that announcement stood in the way of the needed measure of reform, the difficulty must be solved by a more liberal pronouncement. The people of India had no voice in determining the language of the announcement of August 20, and the cause of Indian reform must not be prejudiced by it. But I maintain that there is nothing in that announcement which stands in the way of a substantial measure of responsible government being introduced as the first step towards the goal. We have urged that the Congress-League scheme should be that first step. But if that is not to be, the proposals under consideration must yet be expanded and modified to become adequate to meet the requirements of the situation. I will indicate below the main directions in which, in my opinion, the proposals should be modified and expanded.

#### **Suggestions for Modification and Expansion.**

27. (1) The many qualifying conditions contained in the pronouncement of August 20, created a suspicion in the minds of Indians that though his Majesty's Government had declared responsible government to be the

goal of British Policy in India, the intention was that this goal should be reached only after a very long time. The proposals of Mr. Montagu and Lord Chelmsford based on that pronouncement tend to confirm that suspicion. They have proposed a very limited and qualified measure of responsible government for the provinces to start with, and as regards future development, they guard themselves by saying that their proposal for the appointment of a Commission ten years after the new Act, should not be taken as implying that there can be established by that time, complete responsible government in the Provinces. They say that the reasons that make complete responsibility at present impossible are likely to continue operative in some degree even after a decade. As regards the Government of India, they are not prepared, without experience of the results of their proposals relating to the provinces, to effect changes in it. I cannot reconcile myself to these views. I think the needs of the country demand that provincial Governments should be made autonomous at once, and that a period of time should be fixed within which complete responsible government is to be established in the Central Government of India. Even if twenty years were fixed as the outside limit, we shall know where we stand. Among Indians many will regard it too long a period ; among Europeans, many will consider it too short. But twenty years is in all conscience long enough time within which to prepare this country, with all the progress that stands behind it, and with all the advantages of a well-organised and well-established administration, to bear the full burden of the new responsibility. The history of other countries supports the view that in this period education can be made universal, industries can be developed, so as to make India self-sufficient both in respect of the ordinary needs of the people and also in

respect of military requirements, and Indians can be trained in sufficient numbers to officer the Indian Army and to take their proper places alongside of their British fellow-subjects in the service of the country and the King-Emperor. The great advantage of the proposal would be that every one concerned will know that the journey to the goal has to be completed within the time specified, and the progress towards it will be better regulated and assured. If this suggestion is accepted, it should be stated in the statute which is being drafted in England, that it is intended that full responsible government should be established in India within a period not exceeding twenty years. This will remove a lot of misapprehension and facilitate agreement on many matters.

(2) My second suggestion is that, it being definitely settled that responsible government is to be established within a specified time, adequate provision should be made at once for training Indians in India for admission to the extent of half the number, at present, of offices in every branch of the public service, military as well as civil, *provided they pass the prescribed tests*. These tests should of course be the same for them as for their English fellow-subjects. We should feel thankful to Mr. Montagu and Lord Chelmsford for their recommendations on this subject. But the percentage of recruitment in India which they have proposed for the Indian Civil Service is low ; it should be raised to 50 per cent. As regards military service, they have recommended that 'a considerable number of Commissions should now be given to Indians?' But it is high time that half the number of commissions should be thrown open to Indians, subject of course to the essential condition *that they pass the prescribed tests*. This will at first sight seem to be a large order. But a little consideration will show that it is not so.

This wicked war has taken a sadly heavy toll of British officers. The Universities of the United Kingdom have covered themselves with undying glory by the contributions they have made to it. But their losses have been appalling ; and in the years that lie before us they will be called upon to supply an increasing number of captains to the various branches of national activity which will be set up after the war. It is permissible to think therefore that the demand upon them for officers for the army will be greater than they will be able meet. Besides owing to the tremendous wastage of officers during the war and the greater demands of the army of the future, a much larger number of youths will have to be put under training, than used to be before the war. These considerations enforce the claims of Indian youths to be admitted in sufficient numbers for training as officers in the Indian Army. It will be both unwise and unjust not to recognise and encourage these claims to the full. Let an equal number of Indian and English youths be admitted into the colleges at Quetta and Wellington, and let them undergo the same training and tests together. The mutual confidence and friendships which will grow between them there will be assets of inestimable value to the cause of the empire. Similarly let it be provided that Indians should be trained for and admitted to every other branch of the Navy and the Army, including the air-service. These measures will furnish the most convincing proof to Indians that England means to treat India in future as a partner and not as a dependency.

#### **Provincial Government.**

28. I have said that Mr. Montagu and Lord Chelmsford have put an unduly strict interpretation on the terms of the pronouncement of August 20th. It is due to

them at the same time to say that, consistently with that interpretation, they have proposed to introduce an element of real responsibility to the people in the provincial governments which they have recommended. They have proposed that 'the transferred subjects' shall be in the charge of a minister or ministers to be nominated by the Governor from among the elected members of the Legislative Council ; that such ministers shall be appointed for the term of the Legislative Councils ; that the ministers, together with the Governor, should form the administration with regard to these subjects ; that on such subjects the decisions of the ministers should be final, subject only to the Governor's advice and control. They have said that they expect the Governor to refuse assent to the proposals of his ministers only when the consequence of acquiescence would clearly be serious, or when they are clearly seen to be the result of inexperience. They do not intend that the Governor should be in a position to refuse assent at discretion to all his ministers' proposals. This is the best part of the proposals of Mr. Montagu and Lord Chelmsford for which I offer thanks to them. It would give the ministers more power and responsibility with regard to 'transferred subjects' than they would have had under the Congress League scheme. But it is weighted by various conditions and it requires to be improved. In the first place it should be provided that the elected member or members to be nominated by the Governor shall be selected from among the first few men who command the largest measure of confidence of their fellow-members. Appointment by election having been negatived, the best course to follow will probably be that the appointment should be made from among a panel of three or four recommended by the elected members. Though it will limit the field of selec-



tion, still it would leave the selection to the Governor. But it will at the same time ensure that the Governor shall not select a man, who though he is an elected member, is not acceptable to the majority of the Council.

29. The second point is that the ministers should be members of the Executive Council and not merely of the Executive Government. The distinction between the Executive Government and the Executive Council should be abolished. Dividing the Government into what, the authors themselves point out, will in effect be, two committees with different responsibilities, will weaken the power and responsibility of the administration for promoting the welfare of the province. In fact the division of subjects into 'transferred' and 'reserved' subjects requires to be reconsidered, but of this further on.

30. Under the arrangements proposed, it would rest with the Governor to decide whether to call a meeting of his whole Government or of either part of it. The actual decision on a 'transferred subject' would be taken by the Governor and his minister; the action to be taken on a 'reserved subject' would be taken by the Governor and the other members of his Executive Council. At a meeting of the whole Government, when it would be called, there would never be any question of voting, for the decision would be left to that part of the Government which will be responsible for the particular subject involved. Under this arrangement the Executive Council will be practically relieved of all responsibility relating to 'transferred subjects.' The entire blame for the want of adequate progress in the matter of the 'transferred subjects' will be thrown upon the minister or ministers.

31. Nor will the financial arrangements proposed under this system be satisfactory from the point of view

of the transferred services. In the first place it is laid down as a postulate that so long as the Governor-in-Council is responsible for 'reserved subjects' he must have power to decide what revenues he requires. It is proposed that the provincial budget should be framed by the Executive Government as a whole. The first charge on provincial revenues will be the contribution to the Government of India; and after that the supply for the 'reserved subjects' will have priority. The remainder of the revenue will be at the disposal of the ministers for the purposes of the 'transferred subjects.' If such residue is not sufficient for their needs, it will be open to the ministers to suggest extra taxation, either within the schedule of permissible provincial taxation, or by obtaining the sanction of the Government of India to some tax not included in the schedule. It is said that the question of new taxation will be decided by the Governor and the ministers. But it is clear that the responsibility for proposing the taxation will really lie upon the latter. The Executive Government as a whole will not be responsible for the proposal. The distinguished authors recognise that new taxation will be necessary, for no conceivable economies, say they, can finance the new developments which are to be anticipated. Why then should the responsibility for new taxation, to which a certain odium attaches in the best of circumstances be thrown upon the shoulders of the ministers alone and not upon the Government of the province as a whole. The proposed arrangement is unfair. The responsibility for developing 'transferred subjects' is to be placed upon the ministers. The power of deciding what part of the revenues shall be allotted for the discharge of the responsibility is to be retained in the hands of the Governor-in-Council. Power is given to the ministers to propose additional taxation, but

he is not to be supported in the exercise of that power by the collective responsibility of the Executive Government. Proposals for new taxation are seldom popular. When such proposals will be put forward without the support of the Government as a whole, the chances of their being accepted by the legislature will be seriously affected. It is proposed that the Legislative Council should have no option but to submit to the proposals of the Governor-in-Council with regard to expenditure on 'reserved subjects'. This is not calculated to promote a willingness in it to agree to new proposals for taxation even for 'transferred subjects'. It is evident that the prospects of such subjects being properly financed are far from satisfactory. Nor are the prospects of the success of this part of the proposals as a whole more assuring. The position of the ministers will be unenviable. They must either bear the blame of failure to promote progress in their departments, or they must expose themselves to the odium of proposing new taxation without having the power to deal with the revenue and expenditure as a whole.

32. Under existing arrangements, it is the Government of India by whose authority allotments for different subjects are made. Under the proposed arrangements, this power will be left to the Governor-in-Council. Under it both the ministers and the Legislative Councils will be liable to be compelled to accept allotments for the reserved subjects with which they do not agree, and they have no right of appeal even to the Government of India. Mr. Montagu and Lord Chelmsford hold out the solace to the ministers as well as to the Legislative Council, that a periodic Commission shall review the proceedings of the Governor-in-Council, and that there will be an opportunity of arguing before the Commission that reserved subjects have been extravagantly administered. The commission is to come once

in twelve years. An opportunity for arguing before it against the dead decisions of the Governor-in-Council can have little practical value. An arrangement more disadvantageous to the cause of popular Government, could hardly be conceived. I am surprised that its obvious defects did not lead the distinguished authors to reject it.

33. The entire question of a division between transferred and reserved subjects may be considered here. The *raison detre*, of such division, in the opinion of Mr. Montagu and Lord Chelmsford, is that 'complete responsibility for the Government cannot be given immediately without inviting a breakdown, and some responsibility must be given at once if our scheme is to have any value.' On this ground they have proposed that 'certain heads of business should be retained under official and certain others made over to popular control.' They have proposed that a Committee should be appointed to decide what subjects should be transferred for administration by the ministers. They have indicated the principle on which the list should be prepared, and they say that in pursuance of this principle 'we should not expect to find that departments primarily concerned with the maintenance of law and order were transferred. Nor should we expect the transfer of matters which vitally affect the well-being of the masses who may not be adequately represented in the new councils, such, for example, as questions of land revenue or tenant rights.' They desire that the responsibility for such subjects should remain with the official Government 'which is still responsible to Parliament.' Responsibility to Parliament here means responsibility to the Secretary of State for India. We well know the meaning of this responsibility in practice. It is high time that the responsibility to the Secretary of State were replaced by responsibility to properly constituted

representative councils of the people. I have said before that electorates which will be regarded as satisfactory by every reasonable man can be formed at once in the country, to secure the adequate representation of the masses in the councils. Let the right of returning a member to the provincial council be extended to every tahsil or taluka, or groups of tahsils or talukas, which contain a certain minimum of population. It will be no argument against my proposal that the council will become a very large one. If the United Kingdom with a population less than that of the United Provinces has a House of Commons consisting of 670 members, there is no reason why the United Provinces should not have an equally large Legislative Assembly. The difficulty about different and possibly conflicting interests, will largely disappear if representation is given to a sufficiently large number of units of reasonable dimensions. If this is done, one may safely assume that the assembly will include representatives of landholders, tenants, bankers, traders, merchants, educationists, lawyers, doctors, engineers, etc. Is it reasonable to think that an Executive Council, consisting of two European and one Indian members, can be more deeply interested in, or be better qualified to form a judgment about the maintenance of law and order in the province than this large body of the representatives of the people? Who can be more vitally interested in the maintenance of peace and tranquillity, in the provinces than such representatives? Is it reasonable to apprehend that such a body will refuse to vote supplies which may be needed for the maintenance of law and order? Again will not such an assembly, which will evidently include a large number of men of light and leading in the province, be most competent to consider questions relating to land revenue and tenants' rights? Will it not be right to assume that their combined intelligence and sense of

justice will lead such an assembly to advocate fair play between the Government and the people and between one section of the people and another? Why then should these subjects be reserved to be specially dealt with both administratively and legislatively? The provision that if the Legislative Council should refuse to accept the budget proposals for reserved subjects, the Governor-in-Council should have power to restore the whole or any part of the original allotment should be dropped. The Legislative Council should be trusted to rightly understand and discharge its obligations in a matter of such vital concern to the people as the maintenance of law and order. If there is an apprehension that existing expenditure on departments primarily concerned with the maintenance of law and order may be reduced, this may be guarded against by a special provision that this shall not be done unless it is assented to by the Governor.

34. On the legislative side the proposal for a Grand Committee should be dropped. It involves a serious and unwarrantable derogation from the power and dignity of the Provincial Legislative Councils. All provincial legislation is at present passed by the Provincial Legislative Councils. This should continue to be so in the future. The Indian Statute book contains over-abundant legislation for the maintenance of law and order in the country. As a rule such legislation is all-India legislation, and has with few exceptions been enacted in the past by the Imperial Legislative Council. It may be safely assumed that it will continue to be so in the future. Few Provincial Councils have enacted any law affecting the maintenance of law and order. The Bengal Council has between 1862 and 1914 enacted only the Calcutta Police Act, the Bengal Military Police Act, the Calcutta Sub-Police Act and the Village Chowkidari Act. And the Bombay Council

has since 1867 enacted the Bombay Village Police Act and the City of Bombay and District Police Acts. It will be a gratuitous affront to the Provincial Legislative Councils, both present and future, to suggest that they will not deal in the right spirit with any legislation of that character that any Provincial Executive Government may think fit to undertake. It is also difficult to understand what Provincial Legislation a Provincial Governor may require for the discharge of his responsibility for the 'reserved subjects.' But assuming that he should, it passes my understanding why the Provincial Legislative Council should not enact it. In view of the laws and regulations which already exist, Parliament should tell Executive Governments in India that no legislation shall be passed in future unless it receives the support of the majority of the members of the Legislative Councils. It is evident that it is contemplated that the Grand Committees should be called into existence only occasionally. If then any occasion should arise when a Provincial Legislative Council should refuse to pass any legislation which the Executive Government considers to be necessary, it will be better to ask the Central Government with the over-riding power of legislation which it is proposed to retain for it to enact it for the province. As regards legislation relating to land revenue and tenant rights, clearly it is the popular Legislative Council which must under a proper constitution include a large number of representative landholders and tenants, which would be the most appropriate body to deal with it.

35. So far then as the Provincial Governments are concerned, I would recommend that there should be an Executive Council of four numbers, two of whom should be Indians nominated by the Governor out of a panel elected by the elected members of the Legislative Council, holding charge of and being specially responsible for subjects of

the most vital concern to the people, and that there should be no reserved subjects and no Grand Committee. I would agree that the resolutions of the Councils other than those relating to the budget should be treated as recommendations. Resolutions relating to the budget should be binding on the Executive and the budget should be modified to accord with them, subject to this limitation that the Legislative Council should not have the power to reduce existing expenditure on departments relating to law and order without the consent of the Governor-in-Council. No new expenditure should be incurred unless it is approved by the Legislative Council.

### Burma.

36. I should not omit to say a few words about Burma. The reason given for setting aside the problem of Burma's political evolution for separate and future consideration are inadequate and unconvincing. Burma was annexed to British India against the wish both of Burmans and Indians. If it had been made a Crown Colony as the Indian National Congress had urged, it would not have had to bear the greater cost of administration by the Indian Civil Service. But the proposal did not suit the Service, for the emoluments and prizes of the Indian Civil Service are greater than those of a Crown Colony. However, as Burma has had to bear so long the disadvantages of having been made a province of India, it is nothing but fair that it should be allowed to share with the rest of India the advantages of a popular administration. It would appear that it has an even stronger claim to a measure of self-government than India. It was but yesterday that it was deprived of self-rule and placed under foreign subjection. Those conditions upon which Mr. Montagu and Lord Chelmsford have laid so much emphasis are much more favourable there than in India. Education is far more widespread among the people, there are no such



religious differences as exist in India, and the claim of the upper classes to be in sympathy with the masses will perhaps be more readily conceded in their case than has been done in the case of Indians. It is no fault of the Burmans that the Provincial Legislative Council of Burma, as constituted under the Morley-Minto scheme has no Burman elected element. As regards the argument that the application to Burma of the general principles of throwing open the public services more widely to Indians, would only mean the replacement of one alien bureaucracy by another, Indians do not desire to lord it over their brethren of Burma, and they will have no complaint to make if it will be laid down that the public services of Burma shall be recruited from the Burmese alone. If, however, as I fear, a good proportion of the services will be reserved for recruitment from non-Burmans, it will not be violently unreasonable to expect that Indians will be allowed to compete with Canadians, Australians, New Zealanders and South Africans for admission to that portion of the services. But it is unnecessary to dilate further on this. I hope that the reforms which it may be decided to introduce into India will be extended to Burma, with any reservation which the Burmans themselves may desire to be made.

#### **The Government of India.**

37. But as I have said before, no scheme of reform will meet the requirements of the India of today or satisfy her national sentiment, which will not admit Indians to a reasonable share of power in her central Government ; and it is here that the proposals of Mr. Montagu and Lord Chelmsford are sadly deficient. The Government of India is the centre of power in the Indian Empire and so it will largely remain even when the proposed reforms have been introduced. It will continue to deal with the most important questions which

affect the country as a whole. It will still in a large measure lay down principles and formulate policies. It will continue to deal with the great body of adjective and substantive law which affects peace and order, life, liberty and property, freedom of speech and of the press. Legislation affecting the various religions of the people will still continue to be its special care. It will continue to deal with the most important heads of taxation, the income tax, the salt tax, customs, tariffs, stamps, and court-fees ; with currency and exchange, banking and credit, commerce and industry, with railways, posts and telegraphs, and other matters which closely touch the people throughout the country. Being in sole charge of the army and measures of defence, and of all other Imperial departments, it will continue to deal with the largest amount of annual expenditure. In addition to all this it is proposed by Mr. Montagu and Lord Chelmsford that a general over-riding power of legislation should be reserved to the Government of India for the discharge of all functions which it will have to reform. It would be enabled under this power to intervene in any province for the protection and enforcement of the interests for which it should consider itself responsible ; to legislate on any provincial matter in respect of which uniformity of legislation is desirable, either for the whole of India or for any two or more provinces, and to pass legislation which may be adopted either *simpliciter* or with modifications by any province which may wish to make use of it. Mr. Montagu and Lord Chelmsford do not wish to admit the representatives of the people to any share in this vast power and responsibility which the Government of India wields. In their opinion ' pending the development of responsible government in the provinces, the Government of India must remain responsible only to Parliament. In other words in all matters which

it judges to be essential to the discharge of its responsibilities for peace, order, and good government, it must, saving only for its accountability to Parliament, retain indisputable power.' I respectfully join issue here. In the first place though it may not be difficult to understand the words 'responsibilities for peace and order,' it will be impossible to define 'responsibilities for good government.' The expression is all-comprehensive, and may be used to include any measure which the Executive Government may set its heart upon. Past experience justifies apprehension. Who ever imagined that the words 'prejudicial to public safety' in the rules under the Defence of India Act, would be interpreted as they have been interpreted by several Executive Governments? The words 'good government' therefore ought in any event to be cut out of the formula for reserving power which Mr. Montagu and Lord Chelmsford have suggested. In the second place—even with this modification, I submit that it is essential that the Government of India should be made at least partly responsible to the people of India acting through their representatives in the Legislative Council. So far as the Parliament is concerned, the distinguished authors themselves have observed 'that the interest shown by Parliament in Indian affairs has not been well-sustained or well-informed. It has tended to concern itself chiefly with a few subjects, such as the methods of dealing with political agitation, the opium trade, or the cotton excise duty', and they have rightly noted that 'in India such spasmodic interferences are apt to be attributed to political exigencies at home.' In another place they say:—'Parliamentary control cannot in fact be called a reality. Discussion is often out of date and ill-informed; it tends to be confined to a little knot of members and to stereotyped topics; and it is rarely followed by any decision.' They no doubt recom-

mend as a remedy that the House of Commons should be asked to appoint a Select Committee for Indian affairs at the beginning of each session, which should exercise its powers by informing itself from time to time upon Indian questions, and by reporting to the House before the annual debate on the Indian estimates. They also propose that the Secretary of State's salary should be placed on the English estimates and voted annually by Parliament. This will no doubt enable some live questions of Indian administration to be discussed by the House of Commons in Committee of supply. But having regard to the other pre-occupations of Parliament, which will greatly increase after the war, it is not reasonable to expect that Parliament will discharge its responsibilities for the welfare of India any better in the future than it has done in the past. The accountability of the Government of India to Parliament, will, therefore, only mean its accountability to the Secretary of State for India who must generally be an uncertain factor. We know that this arrangement has not helped India very much in the past, and it is not likely to do so in the future. In the circumstances of the case, Parliament, will best discharge its responsibility to the millions of India by telling the Executive Government of India, that subject to certain reservations in which Parliament, as represented by his Majesty's Government, must keep control to itself, for instance, matters relating to defence, foreign and political relations, the Government of India should in future hold itself accountable to the people of India as they will be represented in the reconstituted Legislative Councils.

38. Mr. Montagu and Lord Chelmsford are opposed to this view. They say : ' We recommend no alteration at present in the responsibility of the Government of India to Parliament—except in so far as the transfer of subjects to popular control in the provinces *ipso facto*

removes them from the purview of the Government of India and the Secretary of State—but we do provide greater opportunities for criticising and influencing the action of the Government of India'. Such opportunities we have had in abundance in the past, in the press, on the platform, in our Congresses and Conferences, and in the Imperial and Provincial Legislative Councils, and we have used them to the best extent we could. But we have found them of little avail because they were unsupported by power. It is therefore that we seek opportunity accompanied by responsibility and power. Mr. Montagu and Lord Chelmsford propose to create an enlarged Legislative Assembly for India with an elective majority. But in their own words they 'do not offer responsibility to elected members of the Legislative Assembly', nor even do they 'define the sphere in which the Government will defer to the wishes of the elected members', as they have done in the provinces. They say they do so 'by a general prescription, which they leave the Government to interpret'. Besides they have heavily discounted this proposal (of an enlarged Legislative Assembly with an elective majority) by their other proposal of creating a Council of State, in which the Government will command a majority. In their own words 'the Council of State will be the supreme legislative authority upon all Indian legislation.' The Council will not be a normal Second Chamber, but it will have greater power. It will take its part in ordinary legislative business and shall be the final legislative authority in matters which the Government regards as essential to the interests of peace, order or good government. If the Council of State should amend a bill which has been passed by the Assembly in a manner which is unacceptable to the Assembly, the Assembly will not have the power to reject or modify such amendments, if the Governor-

General-in-Council should certify that the amendments introduced by the Council are essential to the interests of peace, and order or good government, including in this term sound financial administration. If the Assembly should refuse leave to introduce a Government bill, or if the bill should be thrown out at any stage, the Governor-General-in-Council will have the power, on certifying that the bill is within the formula cited above, to refer it *de novo* to the Council of State. The Governor-General-in-Council will also have the power in the case of emergency so certified, to introduce the bill in the first instance and to pass it through the Council of State, merely reporting it to the Assembly. In the case of a private bill, if a bill should emerge from the Assembly in a form which the Government think prejudicial to good administration, the Governor-General-in-Council will have power to certify it in the terms already cited, and to submit or re-submit it to the Council of State, and the bill will only become law in the form given it by the Council.

39. Fiscal legislation will be subject to the same procedure which is recommended in respect of Government bills. The budget will be introduced into the Legislative Assembly, but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions, whether moved in the Assembly or in the Council of State, will continue to be advisory in character.

40. I doubt if it is worth while creating the Legislative Assembly if the Council of State is to overshadow it to the extent proposed and to reduce it to a non-entity under certain conditions. I recognise that its creation will give greater representation to the people and increased opportunity of criticism ; but I do not want more of it unaccompanied by responsibility. In summing up the result of the Minto-Morley Reforms of

1909, Mr. Montagu and Lord Chelmsford said : " Responsibility for the administration remained undivided. Power remained with the Government and the Councils were left with no functions but criticism." The same criticism will apply to the proposals of Mr. Montagu and Lord Chelmsford relating to the Government of India.

41. Mr. Montagu and Lord Chelmsford propose that this state of things should continue for ten years after the institution of the reforms proposed by them, when it should be the duty of the Commission, the appointment of which they have advocated, to examine and report upon the new constitution of the Government of India, and if they see fit to make proposals for future changes in the light of the experience gained. This means that for fifteen years at least the Government of India should continue to exercise all its power as at present, and that the representatives of the people should have absolutely no share in it. Owing to the war, the next ten to fifteen years will be most fateful years in the history of India. It oppresses my soul to think that during this period the Government of India, which, as I have shown above, has failed to build up the strength and prosperity of the people to the extent it should have done, should continue practically unchanged, and that the representatives of the people anxious to promote the good of their fellowmen, should still have to bear the pain and humiliation of having no determining voice in the government of their country. In the highest interests of humanity, as it is represented by the 320 millions of this land, and for the good name of England, I earnestly hope that this will not be so, and that the statesmen of England will see that the Government of India is brought to a reasonable extent under the control of the people whose affairs it administers. Mr. Montagu and Lord Chelmsford have well-described the

effects of the war on the Indian mind. Let the statesmen of England ponder whether it will be reasonable to expect the people of India to be satisfied with any scheme of reform which will still keep them out of all power in the Central Government of their country.

42. The Congress-Muslim League did not suggest a Second Chamber because it was felt that the Executive Government, with its power of vetoing both resolutions and legislative proposals of the Legislative Councils, would really play the part of a second chamber. I still think that this is a sound view, for what is the main purpose of creating the Council of State, but to give a legal form to the will of the Executive Government? Why then let not the Executive Government exercise that will by means of the veto? It may be urged that that would not place in the hands of the Government the means of securing the affirmative power of legislation and of obtaining supplies. For the authors frankly say:— 'What we seek is some means, for use on special occasions, for placing on the statute book, after full publicity of discussion, permanent measures to which the majority of members in the Legislative Assembly may be unwilling to assent'. But either the Government should give up such an idea, or they should abandon the idea of creating Legislative Councils with elective majorities. Under the existing constitution, no existing enactment can be repealed without the consent of the head of the Government. Let it be provided that no existing expenditure on certain services, for instance, military charges for the defence of the country, shall be decreased except with such consent. But with this reservation let the budget be voted upon by the Council. It is nothing but fair that all future increase in expenditure should depend upon the Government being able to satisfy the elected representatives of the people, who will have to bear the burden of taxation, that every proposed increase



is needed in the interests of the country. So also with regard to all new legislation. Let the Government trust the Council which it is going to create. The Indian members of the Council have not on important occasions failed to stand by the Government in the past. There is no justification for apprehending that members of the reconstituted Council, which will be much larger and more representative, will not lend similar support to Government in all essential matters. Mr. Montagu and Lord Chelmsford have been good enough to acknowledge the correctness of the attitude of the Indian members towards the Government. They say—'We desire however to pay a tribute to the sense of responsibility which has animated the members of the Indian Legislative Council in dealing with Government legislation. In the passage of very controversial measures, such as the Press Act, the Government received a large amount of solid support from non-officials: similarly it received assistance when measures of real importance such, for example, as the Defence of India Act and the recent grant of one hundred millions to the Imperial treasury, were under discussion. Again, good examples of the practical nature of the work done were afforded by the debates on the Factories Act and the Companies Act.'

43. Having regard to all the considerations I have mentioned above, I would suggest that the proposal to create a Council of State should be dropped. Any serious difference of opinion which may at any time arise between the Executive Government and the Legislative Council, would be got over by means of the veto and the power of promulgating ordinances. But it should be provided, as was suggested by the Congress in 1886, that whenever the veto is exercised, a full exposition of the grounds on which this has been considered necessary, should be published and sub-

mitted to the Secretary of State ; and in any such case on a representation made through the Government of India and the Secretary of State by the over-ruled majority, the proposed Select Committee of the House of Commons, should review the decision of the Government. If however it is decided to create such a Council, it is essential that its composition should be liberalised. So far back as 1886, the Indian National Congress urged that not less than one-half of the members of the Imperial and Provincial Councils, which it recommended should be enlarged should be elected, not more than one-fourth should be officials holding seats *ex-officio* in the Councils, and not more than one-fourth should be nominated by Government. During the thirty-two years that have since passed, the Councils have been twice reformed, and as has been shown in the preceding paragraph, their work has been satisfactory. After this long lapse of time, and after the fresh proofs of fidelity and devotion which India has given during the last four years of the war, is it too much to ask that in the proposed Council of State, which will really take the place of the present Legislative Council, the number of members selected by electorates in which Indians predominate, should not be less than half of the total number? Experience has proved that the elected representatives of the European community almost always side with the Government. Therefore, though elected, they should be regarded as good as nominated by the Government. If this is done, I think it will reconcile Indian public opinion to the proposal of a Council of State. Mr. Montagu and Lord Chelmsford propose that the regulations which the Governor-General in Council should make as to the qualifications of candidates for election to the Council of State should be such as will ensure that their status and position and record of services will give to the Council a senatorial character, and the

qualities usually regarded as appropriate to a revising chamber. The Government should find in this provision an assurance that the members of the Council of State will be even more inclined by training and temperament to support it than the members of the present Council have been, in matters essential to the interests of peace, order and good government. If this proposal is accepted, it will take away all the ungraciousness which at present surrounds the proposed Council of State, and will enable the people to become familiar with and to form a fair estimate of the value of a normal Second Chamber.

### **Indians in the Executive Council.**

44. There is only one more important change which I have to suggest, and that is in the number of Indian Members in the Executive Council of the Government of India. The Congress Muslim League scheme urged that half the number of members in every Executive Council, Imperial and Provincial, should be Indians. Mr. Montagu and Lord Chelmsford have recommended that this principle should be adopted in the case of the Provincial Executive Councils. But they have suggested the appointment of only one other Indian Member in the Executive Council of the Government of India. I submit that the principle which has been accepted in the case of the Provincial Executive Councils should be accepted in the case of the Government of India. Of course no one can say definitely at present how many members there will be in the Government of India when it has been reconstituted. But assuming, as it is not altogether unlikely, that there will be six such members, it is nothing but right and proper that three of them should be Indians. The filling up of half the appointments in the Council with Indians will not affect the decisions of the Council so far as mere

votes will be concerned. For, with the Viceroy, the European members will still form the majority. But it will provide for a much more satisfactory representation of Indian public opinion to the Executive Council. It will be perhaps the most effective step towards training Indians for full responsible government. In my opinion nothing will create a greater feeling of assurance about the intentions of Government regarding the establishment of responsible government in this country than the step which I recommend. It will create widespread satisfaction.

45. To sum up. The proposals should be expanded and modified as follows :—

(1) A definite assurance should be given that it is intended that full responsible government shall be established in India within a period not exceeding twenty years.

(2) It should be laid down that Indians shall be trained for and admitted, if they pass the prescribed tests, to the extent of at least a half of the appointments in every branch of the public service, civil and military.

(3) It should be provided that half the number of members of the Executive Council of the Government of India shall be Indians.

(4) If the proposed Council of State is created, it should be provided that half of its members shall be those elected by electorates in which Indians predominate.

(5) It should be clearly laid down that existing expenditure on certain services, in particular military charges for the defence of the country, shall not be reduced without the consent of the Governor-General in Council; but that subject to this provision, the budget shall be voted by the Legislative Assembly.

(6) India should be given the same measure of fiscal autonomy which the self-governing dominions of the Empire will enjoy.

### **Provincial Governments.**

46. (1) The Provincial Legislative Councils should be enlarged as to permit of a Member being returned from every tahsil or taluqa, or a group or groups thereof, containing a certain minimum of population, and the franchise should be as broad as possible to ensure the adequate representation of every important interest, including that of the tenants, and

(2) It should be provided that the persons who are to be appointed Ministers of the reconstituted Councils, shall be those who command the confidence of the majority of the elected members.

(3) That though such minister should hold special charge of certain subjects, they shall be members of the Executive Council of the Province.

(4) There should be no reserved subjects. If there is to be any reservation, it should be limited to this that existing expenditure on departments relating to law and order shall not be reduced without the consent of the Governor-in-Council.

(5) The proposal for the Grand Committee should be dropped.

(6) The principles of reform which may be finally laid down for the other Provinces of India should be applied in Burma also, subject, if necessary, to any special reservation which the Burmans themselves may demand.

### **Conclusion.**

47. I have done. At the conclusion of their very able and elaborate report, Mr. Montagu and Lord Chelmsford invited 'reasoned criticism' of their proposals.

I have attempted to offer some. I hope that they may find it of some value, and that they may reconsider their opinions regarding the conditions of the problem and the recommendations which they have based upon those opinions. I hope also that the other members of His Majesty's Government, and generally other Englishmen who will have to deal with those recommendations, may find this criticism of some help. We are entitled to expect that they will examine the conditions of the problem in the light of well-ascertained facts and the testimony of history, and above all with a broad-minded sympathy which India hopes she has deserved of England. The question of the adequacy of the reforms which are to be introduced is of the most vital concern to India. It is thirty-three years since educated Indians, having noted the defects of the existing system, first begged their English fellow-subjects to allow them a share in the administration of their country's affairs. Their proposals were rejected. The result is writ large upon the country in the poverty and helplessness which pervade a land of abundant natural resources. A very unwelcome light has been thrown upon the situation by the fact that with a population of 320 millions, with every desire to do the best, and with a strenuous endeavour of eighteen months, we have been able to raise, by loan, barely half the amount of the hundred millions which we promised last year as a war gift to England. I have given reasons to justify my belief that if England had agreed to share with us power and opportunity for service, which we asked for in 1886, the country would have become so prosperous and so much more closely attached to England that we could have easily given away a thousand millions in cash, and a million or two more of men, as well-equipped and trained as Englishmen, who would have long ere this turned the

tide in favour of the allies, and saved millions of brave Englishmen and Frenchmen from death. We have reiterated the same request with greater unanimity and insistence since 1916. Let not England repeat the mistake of rejecting it again. The reforms which the Congress and the Muslim League have asked for, are as much needed to prepare India to defend herself and to be a source of greater strength and not of weakness to the Empire, as to promote the happiness and prosperity of her children. They have been long overdue. The war has only brought their need into greater prominence and relief, and lent unexpected and powerful support to the inherent justice of the demand. India has been faithful to England in the hour of her sorest trial. All that she asks for is that England should be just to her. She asks that in determining her future constitution, England should act upon the principles of justice and liberty and of the right of every people to rule their own destinies, for which she has been fighting perhaps the most splendid fight known to history and in which she has been helped by India with her blood and treasure. Both England and India are on their trial. May God grant clearness of vision and courage to us Indians to press for—and to Englishmen to consent to—the full measure of reform which is needed in the vital interests of India—and of the British Empire.

MADAN MOHAN MALAVIYA.

ALLAHABAD,

*August 1st, 1918.*









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